

IN RE: PETITION FOR ZONING VARIANCE
NEW Yorkway and Willow Spring
Roads
6 Yorkway
12th Election District
7th Councilmanic District
Church of God at Dundalk
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 91-335-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for a Zoning Variance, a variance from Section 413.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an illuminated double faced sign with an 84 sq. ft. total area (42 sq. ft. per face) in lieu of the existing 30 sq. ft. sign, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, by Reverend Jeff Tomlinson, Robert Treadway and William Clark, appeared, testified and were represented by Randolph Blair, Esquire. There were no Protestants.

Testimony indicated that the subject property, commonly known as the Dundalk Church of God, consists of .52 acres +/-, zoned D.R.5.5 and is currently improved with the subject church.

Testimony indicated that the Petitioner is desirous of replacing the existing forty (40) year old deteriorated sign with a sign similar to that depicted on Petitioner's Exhibit No. 3. Testimony indicated that the proposed sign will be located 30 ft. off the roadway and be lighted internally. The proposed sign will also have a plan similar to that depicted on Petitioner's Exhibit No. 3.

Testimony also indicated that the subject sign will have no negative

impact on traffic, will diffuse no light onto adjoining residential properties and will, otherwise, have no adverse impact on the adjoining residential neighborhood.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

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Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of May, 1991 that, pursuant to Petition for Zoning Variance, a variance from Section 413.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an illuminated double faced sign with an 84 sq. ft. total area (42 sq. ft. per face) in lieu of the existing 30 sq. ft. sign, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmn
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 5/15/91
By JRH

-3-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 9, 1991

Randolph N. Blair, Esquire
5 Center Place
Dundalk, Maryland 21222

RE: Petition for Zoning Variance
Case No. 91-335-A
Church of God at Dundalk, Petitioner

Dear Mr. Blair:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very Truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmn
att.
cc: Peoples Counsel
cc: Reverend J. Tomlinson

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-335-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.1.b to permit an illuminated double faced sign with an 84 square foot total area (42 square feet per face) in lieu of existing 30 square foot sign.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (1) The existing sign is too small and inadequate for the church's needs. (2) The church, from time to time, makes announcements of its programs and offerings that cannot be easily read on the existing sign. (3) The small sign creates a hardship for the church in that it is not able to communicate its programs to passersby.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.: 285-6000

Legal Owner(s):
(Type or Print Name) William Clark
(Type or Print Name) Robert Treadway
(Type or Print Name) Randolph N. Blair
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 20 day of May, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25 day of April, 1991, at 9:30 o'clock

ESTIMATED LENGTH OF HEARING
DATE FOR HEARING
SAM. 5 Feb 91 (over)
#313

Phone: 687-4922

FRANK S. LEE
Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

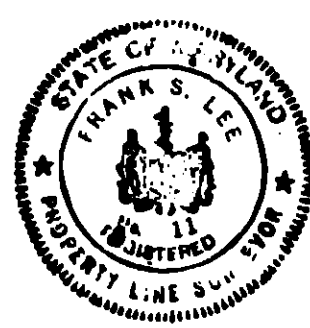
August 8, 1990

No. 6 Yorkway
12th District Baltimore County, Maryland

Beginning for the same at the northeast corner of Willow Spring Road and Yorkway and being known as Lots 1,2,3, and 4 Block 12, Plat No. 2, Dundalk, said plat being recorded among the land records of Baltimore County in Plat Book 7 folio 185.

Containing 0.52 acres of land more or less.

91-335-A



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 12th Date of Posting 4/27/91
Posted for: William Clark, Robert Treadway, Randolph N. Blair
Petitioner: Church of God at Dundalk
Location of property: 6 Yorkway, 12th Election District, Baltimore County, MD
Location of Sign: at the northeast corner of Willow Spring Road and Yorkway
Remarks: to permit an illuminated double faced sign with an 84 sq. ft. total area (42 sq. ft. per face) in lieu of existing 30 square foot sign
Posted by: J. Robert Haines Date of return: 4/27/91
Number of Signs: 1

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Law and Regulations of Baltimore County, will hold a public hearing on the property described in this notice at the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 on the following:
Case Number: 91-335-A
BEC Yorkway and Willow Spring Roads
6 Yorkway
12th Election District
7th Councilmanic District
Church of God at Dundalk
Petitioner:
Hearing Date: Thursday, April 19, 1991 at 9:30 a.m.
Persons to appear on a building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
3/29/91 Mar. 28

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4-1-1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-28-1991

THE JEFFERSONIAN,

S. Z. Orlan
Publisher

\$ 35.15

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

March 28, 19 91

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Notice of Hearing Case #91-335-A - P.O. #011244 - Reg. #M50300 - was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for One successive weeks before the 29th day of March 19 91; that is to say, the same was inserted in the issues of March 28, 1991.

Kimbel Publication, Inc.
per Publisher.

By *Kimbel Publication, Inc.*

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001 6150
Number

DATE: _____

TO: _____

FROM: _____

SUBJECT: _____

PLEASE MAKE CHECKS PAYABLE TO: **Baltimore County** **DA40480001MICHRC** **\$175.00**
SH*0002116PAD2-05-91
NEXT BUSINESS DAY

Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001 6150
Number

DATE: _____

TO: _____

FROM: _____

SUBJECT: _____

PLEASE MAKE CHECKS PAYABLE TO: **Baltimore County** **DA40480001MICHRC** **\$175.00**
SH*0002116PAD2-05-91
NEXT BUSINESS DAY

Cashier Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3554

DATE: _____

Church of God at Dundalk
6 Yorkway
Dundalk, Maryland 21222

RE:
Case Number: 91-335-A
NEC Yorkway and Willow Spring Roads
6 Yorkway
12th Election District - 7th Councilmanic
Petitioner(s): Church of God at Dundalk
HEARING: THURSDAY, APRIL 25, 1991 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 89.68 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Randolph N. Blair, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3554

March 1, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-335-A
NEC Yorkway and Willow Spring Roads
6 Yorkway
12th Election District - 7th Councilmanic
Petitioner(s): Church of God at Dundalk
HEARING: THURSDAY, APRIL 25, 1991 at 9:30 a.m.

Variance to permit an illuminated double-faced sign with an 84 sq. ft. total area (42 sq. ft. per face) in lieu of existing 30 sq. ft. sign.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Church of God at Dundalk
Randolph N. Blair, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3554

Your petition has been received and accepted for filing this
5th day of February, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:
[Signature]
Chairman,
Zoning Plans Advisory Committee

Petitioner: Church of God at Dundalk, et al

Petitioner's Attorney: Randolph N. Blair

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: February 20, 1991
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Paul Joseph Chaney, Item No. 296
Martin J. Sussman, Item No. 299
Curtis Turner, Item No. 305
Church of God at Dundalk, Item No. 313 ✓
Dale A. Polczynski, Item No. 315
Virgil L. Woodie, Item No. 317

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMSVAR.JL/ZAC1

Baltimore County Government
Department of Public Works
Bureau of Traffic Engineering

401 Bosley Avenue Suite 405
Towson, MD 21204

887-3554
Fax 887-5781

February 19, 1991

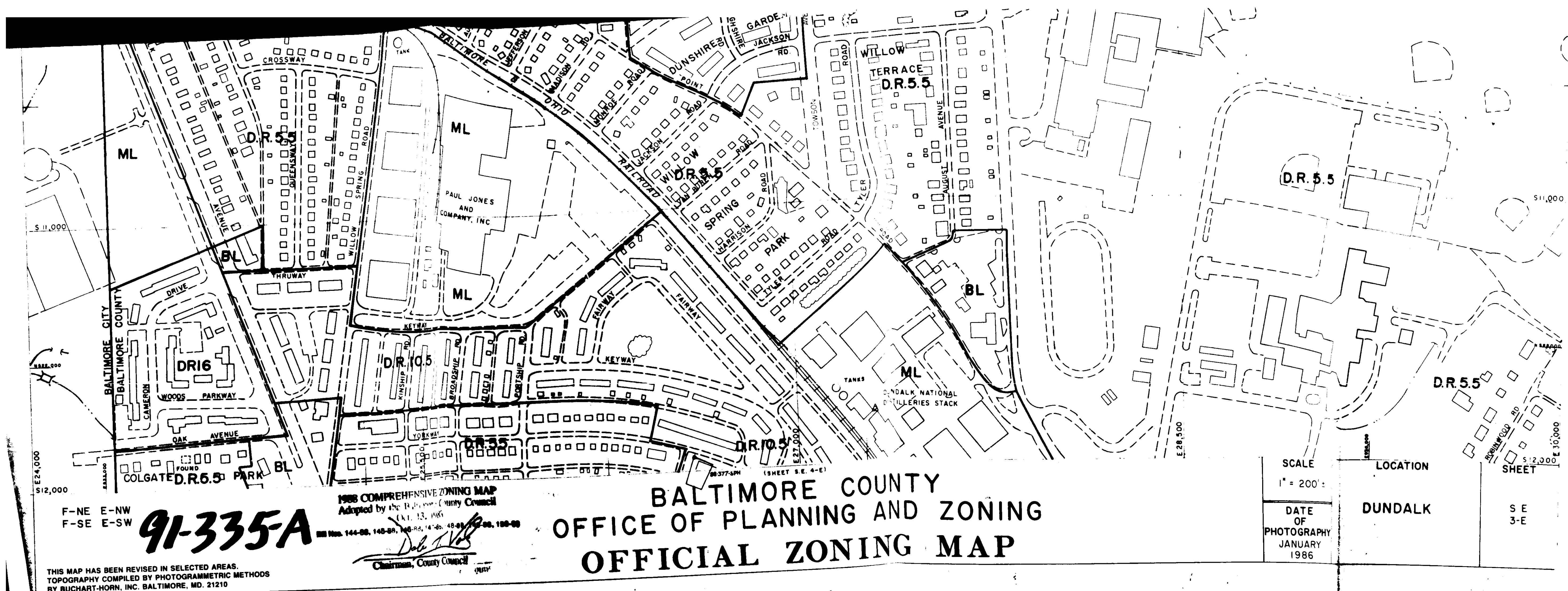
Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 296, 299, 300, 302, 305, 307, 310, 312, 313, 314, 315, and 317.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

3/7/91



91-335-A **BALTIMORE COUNTY**
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

313

SCALE: 1" = 200'

DATE OF PHOTOGRAPHY: JANUARY 1986

LOCATION: DUNDALK

SHEET: 3-E